

ZB# 79-7

Arthur Smith /
Dunmar Auto Truck

(no SBL given)

Public Hearing

April 23, 1979

adj. to

~~May 1, 1979~~

~~May 1, 1979~~

Fee Paid - \$50.00

June 25th - 8 p.m.

Fee to T.C. 6/8/79.

denied

GENERAL RECEIPT

4037

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550.

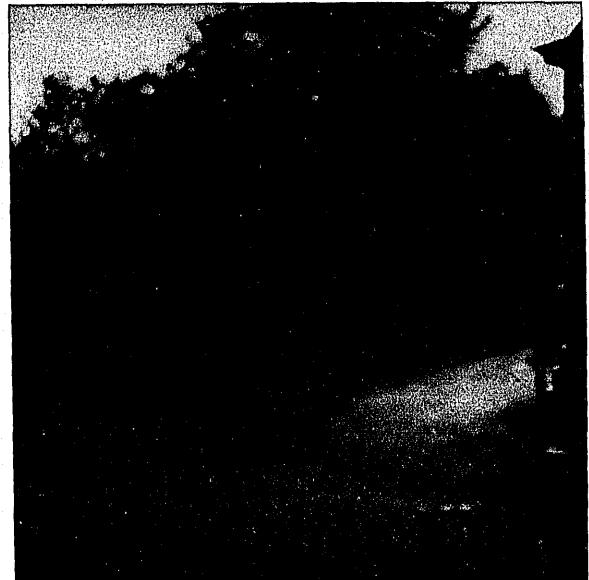
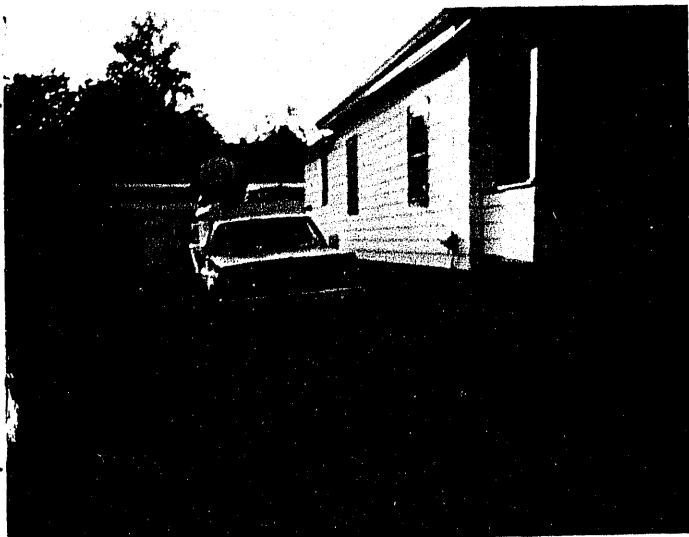
RECEIVED OF June 11 1979
Finkelstein, (Smith) \$ 50.00
Fifty and 00/100 DOLLARS
FOR Variance Fee #79-7 (3BA)
DISTRIBUTION:

FUND	CODE	AMOUNT
50.00		
Ct.		

BY Pauline G. Townsend cm
Town Clerk
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

Publications II

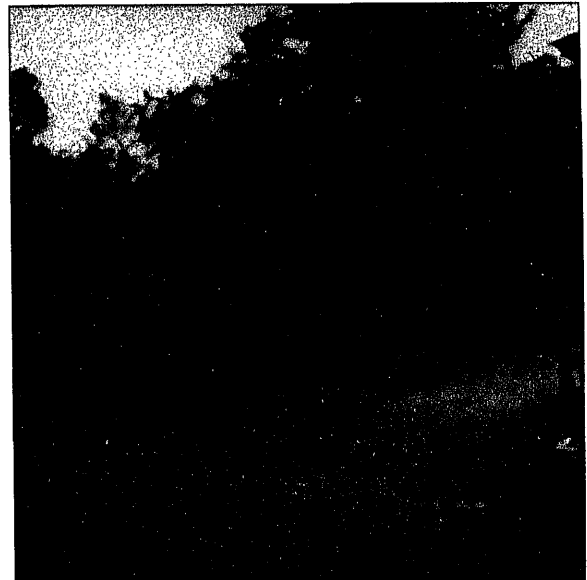
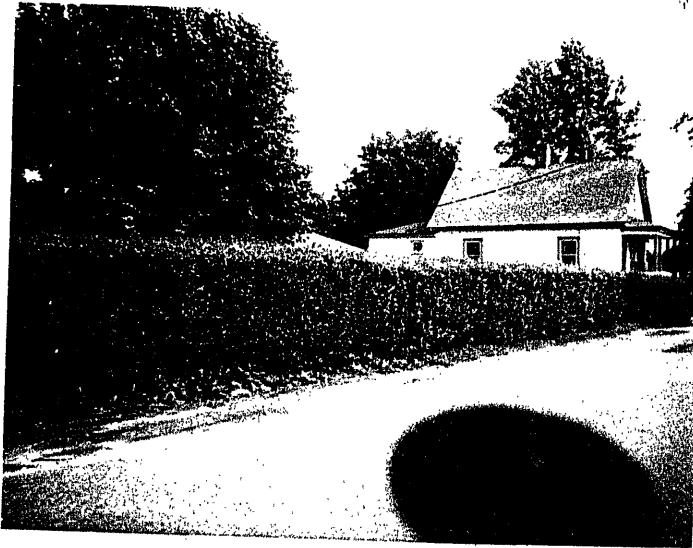
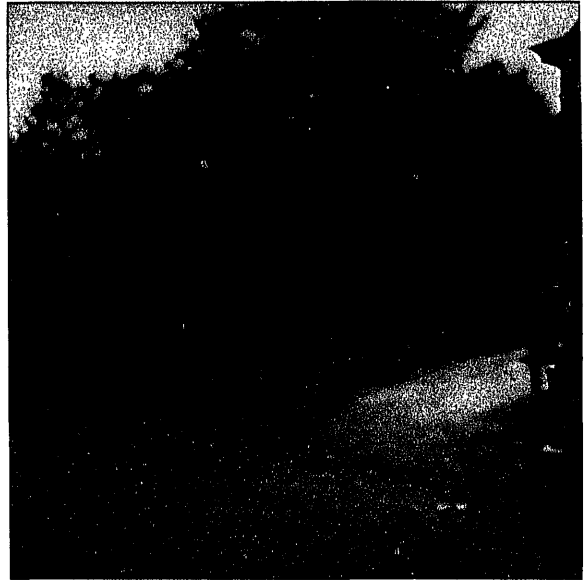
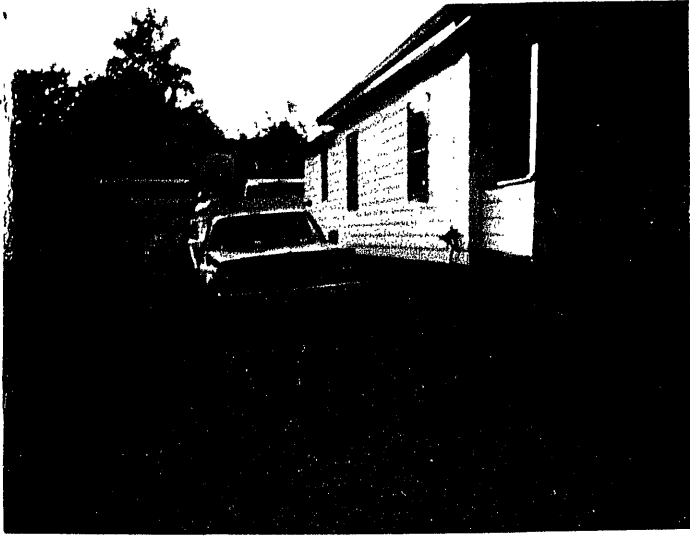


FUND	CODE	AMOUNT
50.00		
Ct.		

Willamson Law Book Co., Rochester, N. Y. 14609

BY Pauline V. Townsend cm
Town Clerk
 TITLE

indications



ZONING BOARD OF APPEALS ; TOWN OF NEW WINDSOR

In the Matter of the Application of
ARTHUR D. SMITH and EILEEN SMITH

DECISION DENYING
USE VARIANCE

Application #79-7.

WHEREAS, ARTHUR D. SMITH and EILEEN SMITH of 76 Melrose Avenue, New Windsor, New York, have made application before the Zoning Board of Appeals for a use variance to permit storage of approximately 30 commercial truck tires on applicants' premises for use by the applicant in the conduct of his business; and

WHEREAS, a public hearing was held on the 25th day of June, 1979 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants were represented by Martin J. Finkelstein, Esq. of 11 East Main Street, Washingtonville, New York; and

WHEREAS, the application was opposed by a number of area residents; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.
2. The evidence given by the applicants shows that they are presently residing on the premises in question and using same as their residence. The premises is located in an R-4, Residential Zone.
3. The evidence as given by the applicants shows that their residence is substantially similar to and used in substantially identical

fashion to the other residences located in the area.

3. The evidence as given by the area residents indicates that the roads in the area are very narrow and are unable to accommodate business vehicles of any kind, nor are any other businesses conducted in the neighborhood.

4. The evidence as given by the applicants shows that at the time they purchased the premises, the Zoning Law was in effect and the area was zoned R-4, as it is presently zoned. Further, the applicants stated that at the time they acquired the premises they intended to use the garage thereon, in some fashion, for the conduct of the applicants' business, to wit, truck repair.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. As the evidence shows that the applicants are using the premises for residential purposes, which are the purposes permitted by the Zoning Law, there is no evidence that the land will not yield a reasonable return as it is zoned.

2. The applicants have shown no unique circumstances with respect to the land which are different from the circumstances of the surrounding parcels and which would justify the granting of a use variance.

3. The evidence given by the neighborhood residents indicates that in the past the applicant has repaired vehicles on his premises or the adjacent roadway and conducted other commercial activities which are wholly inconsistent with and detrimental to the character of the neighborhood as residential.

4. Any hardship created in this case was a self-created hardship as the applicants, by their own admission, acquired the premises

when they knew, or should have known, that commercial activity was not permitted, and they acquired the residence for the purpose of conducting some form of commercial activity related to applicants' business.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor denies a use variance as applied for.

BE IT FURTHER, RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: July 9, 1979.


Acting Chairman

Windsor ZBA denies request

Stewart Citizen 9/29/79

NEW WINDSOR — The meeting room at Town Hall was half full as the Zoning Board of Appeals unanimously voted to deny Eileen and Arthur Smith's request for a variance allowing them to store truck tires in their garage on Melrose avenue.

The Smiths, who do business as Dumar Auto Truck, Inc., were served earlier this year with an order to stop operating from their home their 24-hour breakdown service for trucks. The complaint of the violation came from a neighbor, Albert Ortenza, who said he thought the

residential property should be restricted to residential use.

The Smiths' attorney, Martin Finkelstein, said that denial of the request for a variance would "create a hardship" in this husband and wife business. He said, in effect, the business just "banks" tires for trucks, so if Smith gets a call from an incapacitated truck, he need only put a tire in his pickup and go to where the truck is broken down. "There will be no repairs done on the premises," said Finkelstein. "This would just be a base to operate the business which is off the premises."

The only support for the Smiths came from their next door neighbor, Mrs. Nick D'Egidio, who said she is not bothered by any noise from either the Smiths leaving to make a road call in the middle of the night or the outdoor telephone bell the Smiths use when they are out in the yard. "I live right next door and have no problems with them. We don't hear anything," she said.

Ortenza countered D'Egidio's claim that there is no noise associated with the Smiths' business. "He has a bell ringing 24 hours a day," he said.

The neighbors' main fear seemed to be that the Smiths would be repairing trucks at their home rather than at the breakdown spot, thereby creating traffic problems. They questioned whether, if necessary, a fire truck would be able to get down the street. "The streets are so narrow, this is one neighborhood that is not meant for a business," said Ortenza.

Another neighbor, John Holman, came to the meeting prepared with a written statement. Partially he said, "Over the years, we had problems in the whole area. What is the purpose of zoning laws: to promote

public health. Nowhere do I see any of these purposes served. The zoning was residential when he (Smith) moved in. These are commercial trucks parking in a residential area. Storing used tires is considered a form of a junkyard, it starts a blight area."

Other fears brought on were that the storage of tires would devalue the surrounding properties, create a health hazard by attracting rodents and snakes, and affect the natural drainage of the property.

Mrs. Smith answered by

saying the tires would be kept only in the garage and the tires would have fims on them so there would be no place for rodents and snakes to nest. She also said the

property had belonged to her uncle who ran a machine shop on the property. In her opinion, she said, as the

property was put to commercial use before the 1970 zoning, they should be allowed to keep that commercial use.

When the vote was taken, and all six ZBA members present voted to deny the variance, there were cheers from most of the crowd.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

6/25
B9
June 8
79-4
(Number)

June 1, 1979
(Date)

I. Applicant information:

561-0224

- (a) ARTHUR D. and EILEEN SMITH 76 Melrose Ave., New Windsor. 561-0224
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) MARTIN J. FINKELSTEIN 11 East Main Street, Washingtonville, N.Y.
(Name, address and phone of attorney) 496-4151
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

(a) R4 76 Melrose Ave FR FT Deep
(Zone) (Address) (M B L) 160 X 80
(Lot size)

(b) What other zones lie within 500 ft.? R4

(c) Is a pending sale or lease subject to ZBA approval of this application? NO

(d) When was property purchased by present owner? 11/77

(e) Has property been subdivided previously? NO When? _____

(f) Has property been subject of variance or special permit previously? no When? _____

(g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? YES If so, when 2/23/79

(h) Is there any outside storage at the property now or is any proposed?

79-4
(Number)

June 1, 1979
(Date)

I. Applicant information:

561-0224

- (a) ARTHUR D. and EILEEN SMITH 76 Melrose Ave., New Windsor. 561-0224
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) MARTIN J. FINKELSTEIN 11 East Main Street, Washingtonville, N.Y.
(Name, address and phone of attorney) 496-4151
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R4 76 Melrose Ave FR FT Deep
(Zone) (Address) (M B L) (Lot size) 160 X 80
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 11/77
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? YES If so, when 2/23/79
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. At the present time, approximately 15 truck tires are stored outside the garage outside of view from the street or from neighboring property. After June 15, 1979, all outside storage of tires will cease completely.

☒ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table Use Regs., Column 1, to allow DUMAT Auto Truck Inc

To Store Some parts in Garage for use in breakdown
(Describe proposed use)
Service

To let me continue
Running my Business from home. But I will NOT
do any Repairs To Truck's on property

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

This business is small and would have to discontinue it.
Which is my families Sole Support

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only
** Non-residential districts only

to store some parts in garage for use in breakdown
(Describe proposed use)
Service

To let me continue
Running my Business from home. But I will not
do any repairs to Truck's on property

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

This business is small and would have to discontinue it.
Which is my families Sole Support



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Essentially, the business being conducted at the subject premises consists of storing tires on premises for the purpose of providing off-premises road service, and the reception of telephone calls from customers ordering such service. No business is solicited from passers-by; therefore, there is no need for any signs on premises and none shall be erected.

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of tax map showing adjacent properties
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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IX. Attachments required:

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 - ☐ Copy of contract of sale, lease or franchise agreement.
 - ☐ Copy of tax map showing adjacent properties
 - ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
 - ☐ Copy(ies) of sign(s) with dimensions.
 - ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

(Official Use Only)

X. AFFIDAVIT.

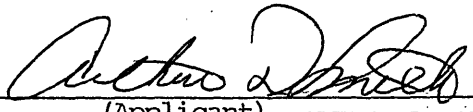
Date June 2, 1979

STATE OF NEW YORK)

) SS.:

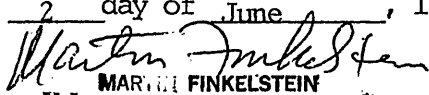
COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of ~~his~~ ^{their} knowledge or to the best of ~~his~~ ^{their} information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant) ARTHUR D. SMITH

Sworn to before me this


(Applicant) EILEEN SMITH

2 day of June, 1979.

MARTIN FINKELSTEIN
Notary Public, State of New York
Qualified in Orange County
My commission expires Mar. 30, 1981

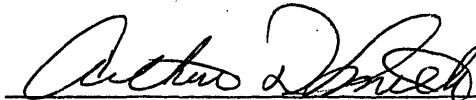
XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.


) SS.:
COUNTY OF ORANGE)

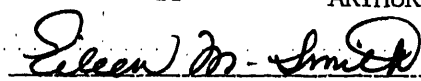
The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of ~~his~~ ^{their} knowledge or to the best of ~~his~~ ^{their} information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant) ARTHUR D. SMITH

Sworn to before me this

2 day of June, 1979.


MARTIN FINKELSTEIN
Notary Public, State of New York
Qualified in Orange County
My commission expires Mar. 30, 1981


(Applicant) EILEEN SMITH

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

6/25/79 - Public Hearing - 8 pm - Smith (Dumas Autotruck)

<u>Name:</u>	<u>Address:</u>
Frances Kouri	91 Merline Ave. N.W.
Valerie Komer	Temple Hill Rd. N.W.
Mary Burdowski	36 Merline Ave. N.W.
Anne Carlstrom	106 Merline Ave. N.W.
James Carlstrom	106 Merline Ave. N.W.
Margaret Komer	94 Merline Ave. N.W.
Martha Fioral	81 Lawrence Avenue, N.W.
Stanley Somel	81 Lawrence Ave. N.W.
Alie Owen	91 Merline Ave, N.W. N.Y.
Hange Robinson	91 Merline Ave, N.W. N.Y.
John E. Horner	91 Merline Ave. N.W. N.Y.
Wm Dougherty	88 Merline Ave
Robert M. Gifford	90 Merline Ave
Carl Boye	71 Melrose Ave
Edith Smith	24 Goodman Ave
Jim Dargatz	117 Blanche Ave
William Stuber	69 Melrose Ave
Estelle Warren	113 Blanche Ave
John J. Naderis	87 Merline Ave
Stephanie M. Naderis	87 Merline Ave.
Alfred Ortiz	75 Melrose Ave.
Estelle Ortiz	75 Melrose Ave.
John and Josephine Ruscitti	35 Walnut St.

6/25/79 - Public Hearings - 8 pm. - Smith (Dumas Autotruck)

<u>Name:</u>	<u>Address:</u>
Francis Komer	91 Merline Ave. N.W.
Valerie Komer	Temple Field Rd. N.W.
Mary Budzinski	36 Merline Ave. N.W.
Anne Carlstrom	106 Merline Ave. N.W.
James Carlstrom	106 Merline Ave. N.W.
Margaret Komer	94 Merline Ave. N.W.
Martha Fioral	81 Lawrence Avenue, N.W.
Sauler Smul	81 Lawrence Ave. N.W.
Alie Owen	91 Merline Ave, N.W. N.Y.
George Robinson	91 Merline Ave, N.W. N.Y.
John E. Horni	91 Merline Ave. N.W. N.Y.
Wm Dougherty	88 Merline Ave
Robert M. Gaffner	90 Merline Ave
Carl Hays	71 Melrose Ave
Edith Smully	24 Goodman Ave
Jim Dargatz	117 Blanche Ave
Robert Berkes	69 Melrose Ave
Estelle Warren	113 Blanche Ave
John J. Naderis	87 Merline Ave
Stephanie M. Naderis	87 Merline Ave.
Alfred Osterzo	75 Melrose Ave.
Estelle Osterzo	75 Melrose Ave.
Ida and Joseph Rucette - 35 Walnut St.	
owners of new homes across from Smith's.	
Florence O'Gidias 68 Melrose Ave.	

179-17.-Smith

Prelim. meeting -
March 26, 1979.

Building Department

561-0224 7:30.

(CITY, TOWN OR VILLAGE) OF NEW WINDSOR

(Address and Telephone Number)

565-8807

County of: Orange

Order to Remedy Violation

Location 76 MELROSE AVE

Map No.: _____ Section: _____ Block: _____ Lot: _____

Date FEB 23 1979

TO DUMAR AUTOTRUCK INC - Arthur Smith
(owner or authorized agent of owner)

76 MELROSE AVE
(address of owner or authorized agent of owner)

PLEASE TAKE NOTICE there exists a violation of:

The State Building Construction Code

Zoning Ordinances

Other Applicable Laws, Ordinances or Regulations

✓

at premises hereinafter described in that LOCATING A BUSINESS
(state character of violation)

IN A RH ZONE (RESIDENTIAL DISTRICT)

in violation of ARTICLE IV 48-9
(state section or paragraph of applicable law, ordinance or regulation)

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to
remedy the conditions above mentioned forthwith on or before the 9th day of
MARCH 1979.

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Caruth
Superintendent of Buildings

William R. & Marie V. Oliver
R. D. #1 Box 146
Bloomingburg, N.Y. 12721
May 18, 1979

Zoning Board of Appeals
New Windsor Town Hall
555 Union Avenue
New Windsor, N.Y. 12550

Gentlemen:

We would like to have this letter entered on our behalf in regard to the public hearing of Arthur D. & Helen M. Smith residing at 76 Melrose Avenue New Windsor, New York.

We have received two notices and both times attended the scheduled hearing before the Zoning Board of Appeals. On each occasion the meeting was postponed and we didn't have an opportunity to voice our opinion in regard to the above matter.

We do not presently reside in New Windsor but do however own property at 76-78 Lawrence Avenue. My employment necessitates the fact that we have to arise before 4:30 each morning and I can assure you that after working all day and then travelling down to New Windsor to attend a hearing that has been cancelled twice is no laughing matter. To attend a proposed meeting is one thing, but to anticipate a scheduled meeting is somewhat negative to our way of thinking.

We wholeheartedly oppose the application of Arthur D. & Helen M. Smith for the following reasons.

- 1) This particular section of New Windsor is classified as a R-4 Zone and to my understanding is regarded as residential and should be noted that this area is high density.
- 2) Due to the fact of the close proximity of many families living near the affected area having small children, we feel the road service aspect of the proposed business would be hazardous to the safety of these innocent children.
- 3) The noise of trucks coming and going into whatever hours of the night would be detrimental to all those people living nearby as well as be outright disturbing to other persons not directly affected by truck traffic.
- 4) Melrose Avenue is a narrow street and any additional traffic on that thoroughfare would hamper any emergency vehicles in the event of such a call to save lives and property.
- 5) We strongly feel that property values would be lowered because of an unsightly truck tires or other paraphernalia lying exposed in the plain sight of surrounding neighbor's habitability.

Thanking you for taking the time to express our views on this matter, we wish to remain.

Respectfully

William R. Oliver and Marie V. Oliver

(914) 565-8550

June 27, 1979

Martin Finkelstein, Esq.
11 East Main Street
Washingtonville, N. Y. 10992

RE: APPLICATION FOR USE VARIANCE
SMITH, ARTHUR & EILEEN - #79-7

Dear Marty:

This is to confirm that the above application for a
use variance was denied at the June 25, 1979 meeting
of the Zoning Board of Appeals.

Very truly yours,

PATRICIA DELIO, Secretary

/pd

cc: Howard Collett - Bldg./Zoning Inspector

Town Planning Board - Attn: Mr. Ernest Spignardo, Chairman

ZONING BOARD OF APPEALS

June 25, 1979

Agenda: 7:30 p.m. - Roll Call

Motion to accept minutes of June 11th meeting as written.

Preliminary meetings:

1. RAJ INVESTORS CORP. - *Lon Grevas - McGee, Hansen & Grevas*
~~Herman Rudy~~, present to seek area variance on lot located on Park Hill Drive (R-4) zone. *P.H. - 7/9/79 - 8:30 p.m.*
2. Thomas J. Byrne, Esq. present on behalf of John O'Neill owner of two lots located on Quassaick Avenue in an R-4 zone. Lot area variance is sought. *(P.H. Aug. 13 at 8:15)*

PUBLIC HEARINGS:

- 8 p.m. - Application of Arthur G. & Eileen Smith (Dumar Autotruck) for use variance for storage of truck tires on premises - Melrose Avenue.
- 8:30 p.m. - Application of Newburgh Savings Bank for area variance to construct an additional drive-in window at Vails Gate Branch. Fred Wygant present.

Decision to be rendered: Kaiser/Pajer application for area variance.

Motion to accept Exon decision.

Adjournment.

Pat
565-8550 (office)
56 2-7107 (Home)

INTER-OFFICE CORRESPONDENCE

TO: HOWARD COLLETT, BLDG./ZONING INSPECTOR
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS - June 25, 1979
DECISIONS: SMITH, NEWBURGH SAVINGS BANK and
KAISER/PAJER
DATE: June 27, 1979

Kindly be apprised of the above decisions which were rendered by the ZBA at their meeting of June 25, 1979:

1. Smith, Arthur & Eileen - request for use variance - Denied.
2. Newburgh Savings Bank - request for area variance - Granted.
3. Kaiser/Pajer - request for area variance - Denied.

Please refer to your ZBA minutes, which are being typed, for further details of the above.

Pat

/pd

cc: Planning Board

- ① Crudele, Michael & Dorothy
74 Lawrence Ave.
New Windsor, N.Y. ✓
- ② Oliver, William & Marie ✓
Box 146 R.D.1
Bloomingburg, N.Y. 12721
- ③ Salamotoff, Connie ✓
78 Windsor Hwy.
New Windsor, N.Y.
- ④ Naclerio, John & Stephanie ✓
87 Merline Ave.
New Windsor, N.Y.
- ⑤ Ryan, Walter & Arlene ✓
77 Merline Ave.
New Windsor, N.Y.
- ⑥ Ponessi, Paul & Dorina ✓
73 Merline Ave.
New Windsor, N.Y.
- ⑦ Laddick, John ✓
68 Merline Ave.
New Windsor, N.Y.
- ⑧ Yonnone, Cosmo & Carmela ✓
78 Merline Ave.
New Windsor, N.Y.
- ⑨ Yannone, Thomas & Hazel ✓
80 Merline Ave.
New Windsor, N.Y.
- ⑩ Yonnone, Gus & Anna ✓
82 Merline Ave.
New Windsor, N.Y.
- ⑪ Dougherty, William & Susan ✓
88 Merline Ave.
New Windsor, N.Y.
- ⑫ Gilfeather, Robert & Rose ✓
90 Merline Ave.
New Windsor, N.Y.
- ⑬ Komar, John ✓
96 Merline Ave.
New Windsor, N.Y.
- ⑭ Carlstrom, James & Anna ✓
106 Merline Ave.
New Windsor, N.Y.

- ⑮ Hotaling, Richard & Mary Ann
95 Myrtle Ave.
New Windsor, N.Y.
- ✓ ⑯ Rossomando, William
P.O. Box 2002
Newburgh, N.Y.
- ✓ ⑰ Mott, Arthur & Clara
91 Myrtle Ave.
New Windsor, N.Y.
- ✓ ⑱ Dougherty, William & Susan
88 Merline Ave.
New Windsor, N.Y.
- ✓ ⑲ Dixon, Robert & Nancy
67 Myrtle Ave.
New Windsor, N.Y.
- 20=10 ✓ ~~Yonnone, Gus & Anna~~
~~82 Merline Ave.~~
~~New Windsor, N.Y.~~
- ✓ 21 Linton, David & Frances
59 Myrtle Ave.
New Windsor, N.Y.
- ✓ 22 Ruscitti, Joseph & Ida
P.O. Box 227
Walden, N.Y. 12586
- ✓ 23 Cherry, Allen & Ruth
118 Cedar Ave.
New Windsor, N.Y.
- ✓ 24 Mikutis, Anthony & Helen
44 Melrose Ave.
New Windsor, N.Y.
- ✓ 25 Pushman, Albert & Audrey
46 Melrose Ave.
New Windsor, N.Y.
- ✓ 26 Simanoski, Edward & Helen
56 Melrose Ave.
New Windsor, N.Y.
- 27 Simanoski, Charles Sr. & Anna
Bradford Ave. M.D.23
New Windsor, N.Y.
- ✓ 28 Malinowski, Thaddeus &
Rymaszewski, Wanda
39 Lawrence Ave.
New Windsor, N.Y.

See ps
dup

7
Kochis, John J.
58 Melrose Ave. 448
New Windsor, N.Y.

DiCarlo, Marie
%Jos. DiCarlo 450
78 Russet Rd.
Stamford, Ct. 06943

D'Egidio, Dominick 452
68 Melrose Ave.
New Windsor, N.Y.

Smith, Arthur D.
& Eileen M. 454
76 Melrose Ave.
New Windsor, N.Y.

Dillman, Katina 456
303 Old Country Rd.
Elmsford, N.Y. 10523

Fornel, Stanley, J. Jr. 458
81 Lawrence Ave.
New Windsor, N.Y.

Favata, Jennie &
Alfred 459
77 Lawrence Ave.
New Windsor, N.Y.

Damico, William A.
& Marie 461
73 Lawrence Ave.
New Windsor, N.Y.

Lucas, Michael &
Arlene 65
55 Melrose Ave.
New Windsor, N.Y.

Kissam, George &
Delores 67
17 Bradford Ave.
New Windsor, N.Y.

Warren, Estelle L. 69
113 Blanche Ave.
New Windsor, N.Y.

Baranski, Charles
& Jane 71
117 Blanche Ave.
New Windsor, N.Y.

Simanoski, Charles Sr.
& Anna
Bradford Ave. M.D. 23 449
New Windsor, N.Y.

Gerbes, Frank & Helen 451
52 Ceder Ave.
New Windsor, N.Y.

Ruscitti, Joseph & Ida
P.O. Box 227 453
Walden, N.Y. 12586

Ortenza, Alfred & Estelle 455
75 Melrose Ave.
New Windsor, N.Y.

Hoyer, William & Carol Lee
71 Melrose Ave. 457
New Windsor, N.Y.

Gerbes, Anthony & Dolores
69 Melrose Ave.
New Windsor, N.Y. 462

Gerbes, John J.
59 Melrose Ave. 460
New Windsor, N.Y.

Homin, John & Frances
91 Merline Ave. 463
New Windsor, N.Y.

Hotaling, Howard & Josephine
14 Goodman Ave. 464
New Windsor, N.Y.

Virgillo, Mary 66
16 Goodman Ave.
New Windsor, N.Y.

Smith, Donald & Edith 68
24 Goodman Ave.
New Windsor, N.Y.

Esposito, Anthony & Iolanda 70
M.D. 23, Merline Ave.
New Windsor, N.Y.

Greiner, Philip & Judy
70 Lawrence Ave. 72
New Windsor, N.Y.

Konrad, John & Helen
49 Melrose Ave.
New Windsor, N.Y.

54 +
441

Kirk, Frances & Jeffery
45 Melrose Ave.
New Windsor, N.Y.

55
442

Brink, Angela
37 Melrose Ave.
New Windsor, N.Y.

56
443

Rymaszewski, Wanda
Lawrence Ave. M.D. 23
New Windsor, N.Y.

57 444

Raszcewski, Leo
60 Lawrence Ave.
New Windsor, N.Y.

58 445

Dunning, Mark & Barbara
57 Merline Ave.
New Windsor, N.Y.

59 446

Yonnone, Carmine & Fannie
51 Merline Ave.
New Windsor, N.Y.

60
447

Rider
acknowledged
purchase
parties agree that
mortgage

(914) 565-8550

May 7, 1979

Ms. Carol Matthews
The Evening News - Legal Department
Dickson Street
Newburgh, N. Y. 12550

RE: PUBLIC HEARING NOTICE - ARTHUR SMITH

Dear Carol:-

In accordance with our telephone conversation of May 4, 1979, please be advised that Mr. and Mrs. Arthur D. Smith of Melrose Avenue, New Windsor, New York are to receive the bill for the above publication. The Town of New Windsor Zoning Board of Appeals is not responsible in any way for this bill.

Thank you for your usual courtesy and cooperation.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARING BEFORE THE ZBA
DATE: April 16, 1979

Kindly be advised that there is one public hearing scheduled before the Zoning Board of Appeals on Monday evening, April 23, 1979 at 8 p.m. as follows:

Application of ARTHUR D. SMITH and EILEEN M. SMITH
(DUMAR AUTOTRUCK) for a use variance.

I have attached hereto copy of the application together with the public hearing notice which was published in The Evening News.

Pat

/pd

Attachments

cc: Howard Collett - Building/Zoning Inspector

Legal Notice
**PUBLIC NOTICE OF
HEARING BEFORE
ZONING BOARD
OF APPEALS**
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York, will hold a Public Hearing
pursuant to Section 48-33A of the
Zoning Ordinance on the following
proposition:
Appeal No. 7
Request of ARTHUR D. SMITH
and EILEEN M. SMITH for a VA-
RIANCE of the regulations of the
Zoning Ordinance, to permit storage
of and pick-up of truck tires in
connection with road service in a re-
sidential (R-4) zone being a VA-
RIANCE of Section 48-9 - Table of
Use Regulations - Col. A for
property situated as follows:
76 Melrose Avenue, Town of New
Windsor, New York.
SAID HEARING will take place on
the 23rd day of April, 1979, at the
New Windsor Town Hall, 555 Union
Avenue, New Windsor, N. Y.
beginning at 8 o'clock P.M.
MARK STORTECKY
Chairman
By: Patricia Dineen
Secretary

← Change notice
for commercial use in R-4 zone.
8:15 pm